

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ANDREW S. HENNEMAN,)
Plaintiff,)
v.) No. 3:10-CV-141-CLC-CCS
MARYVILLE COLLECTION SERVICE,)
INC., and TRACY THOMAS a/k/a)
SARAH BRANTON,)
Defendants.)

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is a Motion to Withdraw as Counsel and for Continuance of Trial [Doc. 39]. In the motion, Attorney Andrew Colocotronis moves the Court to permit him to withdraw as counsel for Defendant Maryville Collection Services, Inc., (“MCS”). MCS moves the Court to afford it ninety days to obtain new counsel, and it requests that the trial of this matter be reset.

First, the Court finds that the request to withdraw as counsel does not comply with Local Rule 83.4, including *inter alia* the requirement that counsel certify that the party has received a copy of the motion. Moreover, Local Rule 83.4 states: “If the client is a corporation or other artificial person or legal entity created by statute that may only appear in court through counsel, the Court, absent extraordinary circumstances, shall not allow the attorney to withdraw until the client has obtained substitute counsel.” E.D. Tenn. L.R. 83.4(f). The Court finds that the instant motion and its accompanying affidavit do not demonstrate extraordinary circumstances that

would support allowing Attorney Colocotronis to withdraw, and accordingly, the motion will be denied. The request to withdraw may be renewed when substitute counsel is obtained or when the provisions of Local Rule 83.4 have been fulfilled.

With reference to the request for a trial continuance, the Court finds that on April 4, 2014, approximately one week after this motion was filed, the District Judge continued the trial in this matter to proceed to trial on August 25, 2014. Thus, the request for a trial continuance is moot.

The Court finds that the request that MCS be afforded ninety days in which to obtain the services of new counsel is moot. MCS may obtain the services of new counsel, as it deems appropriate. However, because this case has been pending for almost four years, it is extremely unlikely that any of the dates or deadlines in this matter will be extended further. At this juncture, Attorney Colocotronis continues to represent MCS, and to the extent MCS delays in deciding whether to substitute other counsel, it does so at its own peril. The Court will direct the Clerk of Court to mail a copy of this Memorandum and Order to MCS, so that MCS is apprised of these time constraints.

Accordingly, the Court finds that the Motion to Withdraw as Counsel [Doc. 39] is not well-taken, and it is **DENIED WITHOUT PREJUDICE**. The Clerk of Court **ORDERED** to mail a copy of this Memorandum and Order to **MCS**, 556 E. Broadway Ave., Maryville, TN, 37804, and to **Attorney Andrew Colocotronis**, P.O. Box 10427, Knoxville, TN, 37939.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge